

ROBERT M. DRASKOVICH, ESQ.  
Nevada Bar No. 6275  
THE DRASKOVICH LAW GROUP  
815 S. Casino Center Boulevard  
Las Vegas, Nevada 89101  
Telephone: (702) 474-4222  
Facsimile: (702) 474-1320  
[robert@draskovich.com](mailto:robert@draskovich.com)  
*Attorney for Matthew Wade Beasley*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
MATTHEW WADE BEASLEY,  
  
Defendant.

CASE NO: 2:22-mj-171-EJY

**MOTION TO WITHDRAW AS COUNSEL  
FOR DEFENDANT MATTHEW WADE  
BEASLEY**

COMES NOW, ROBERT M. DRASKOVICH, ESQ., counsel for MATTHEW WADE BEASLEY, and hereby moves to withdraw as counsel. This Motion is based upon the points and authorities contained herein.

Dated this 12<sup>th</sup> day of August, 2022.

Respectfully Submitted by:

/s/ Robert M. Draskovich  
ROBERT M. DRASKOVICH, Esq.  
Nevada Bar No. 6275  
815 S. Casino Center Boulevard  
Las Vegas, Nevada 89101  
*Counsel for Matthew Wade Beasley*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Robert M. Draskovich seeks leave of Court to withdraw as counsel of record for  
3 Matthew Wade Beasley. It has become clear that there has been a breakdown in  
4 communication between Counsel and Defendant Matthew Wade Beasley and the relationship  
5 has been damaged beyond repair. The situation has deteriorated to the point that it is essential  
6 that Counsel be permitted to withdraw from the instant case. The instant matter is set for  
7 preliminary hearing examination on September 8, 2022.

9 **ARGUMENT AND AUTHORITIES**

10 Federal Local Rule IA 10-6 states, in pertinent part, as follows:

- 11 (b) No attorney may withdraw after appearing in a case except by leave of  
12 court after notice served on the affected client and opposing counsel.<sup>1</sup>

13 “An attorney may not, in the absence of the client's consent, withdraw from a case without  
14 justifiable cause.” Lovvorn v. Johnston, 118 F.2d 704, 706 (9th Cir. 1941). Where a court  
15 compels one charged with a serious crime to undergo a trial “with the assistance of an attorney  
16 with whom he has become embroiled in [an] irreconcilable conflict,” he is deprived of “effective  
17 assistance of any counsel whatsoever.” Daniels v. Woodford, 428 F.3d 1181, 1197 (9th Cir.  
18 2005) (*citing* Brown v. Craven, 424 F.2d 1166, 1170 (9th Cir.1970)). A trial court's decision to  
19 release counsel is an exercise of its discretion. United States v. Williams, 717 F.2d 473 (9th  
20 Cir.1983) (*citing* Glavin v. United States, 396 F.2d 725, 726 (9th Cir.1968)). United States v.  
21 Driggers, CR06 173 N EJL, 2007 WL 1381800 (D. Idaho Jan. 29, 2007) aff'd, 319 F. App'x 665  
22 (9th Cir. 2009).

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26 <sup>1</sup> See also United States v. Curry, 6 How. 106, 47 U.S. 106, 111, 12 L.Ed. 363; Tripp v. Santa  
27 Rosa St. R.R., 144 U.S. 126, 12 S.Ct. 655, 36 L.Ed. 371; Davis v. Wakelee, 156 U.S. 680, 15  
28 S.Ct. 555, 39 L.Ed. 578. (holding that an attorney for the defendant cannot withdraw from the  
case without the consent of the court.)

1 In determining whether new counsel is warranted the Court should consider: that counsel  
2 for Defendant has been engaged in series of discussions with the United States Attorney's Office  
3 concerning the instant case and a case that will be brought against the Defendant. Defendant has  
4 been informed of these discussions. Additionally, the Defendant has brought in co-counsel  
5 Garrett Ogata to assist in this case. *See* United States v. Smith, 282 F.3d 758, 764 (9th Cir.  
6 2002); United States v. Corona-Garcia, 210 F.3d 973, 976 (9th Cir.2000); United States v. Mills,  
7 597 F.2d 693, 700 (9th Cir.1979). United States v. Driggers, CR06 173 N EJL, 2007 WL  
8 1381800 (D. Idaho Jan. 29, 2007) aff'd, 319 F. App'x 665 (9th Cir. 2009).

9  
10 Here, Counsel moves to withdraw from the instant case. Notice of the instant Motion  
11 has been served on opposing counsel and upon Mr. Beasley. There is justifiable cause for  
12 Counsel to withdraw as the attorney-client relationship has been irreparably damaged and  
13 communication between Client and Counsel has broken down. Additionally, similar to Daniels  
14 and Brown, here Mr. Beasley would be severely prejudiced proceeding to trial with an attorney  
15 with whom he has an irreconcilable conflict.

### 16 CONCLUSION

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18 For the reasons stated above, Robert M. Draskovich, respectfully requests this  
19 Honorable Court allow him Withdraw as Counsel to Mr. Beasley and that this Honorable Court  
20 grant the instant Motion to Withdraw as Counsel.

21  
22 DATED this 12<sup>th</sup> day of August, 2022.

23  
24 Respectfully submitted,

25  
26 /s/ Robert M. Draskovich  
27 ROBERT M. DRASKOVICH, Esq.  
28 Nevada Bar No. 6275  
815 S. Casino Center Boulevard  
Las Vegas, NV 89101  
*Counsel for Matthew Wade Beasley*

**DECLARATION OF ROBERT M. DRASKOVICH, ESQ.**

I, Robert M. Draskovich, do hereby declare and swear that the following is true and correct and of my personal knowledge and that if called upon to testify, could and would testify truthfully that:

1. I am the attorney of record for Defendant Matthew Wade Beasley in the instant matter. I am licensed to practice law in the State of Nevada.

2. My professional relationship with Mr. Beasley has deteriorated to the point that I now believe it is essential to withdraw.

3. Counsel for Mr. Beasley has been engaged in a series of negotiation discussions with the United States Attorney's Office concerning the instant case and a case that will be brought against the Defendant in the future. Defendant has been informed of these discussions.

4. The Defendant has brought in co-counsel Garrett Ogata to assist in this case.

Executed this 12<sup>th</sup> day of August, 2022, under penalty of perjury under the laws of the United States of America.

/s/ Robert M. Draskovich Esq.

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 vs.

4 MATTHEW WADE BEASLEY,

5 Defendant.

CASE NO: 2:22-mj-171-EJY

**Certificate of Service**

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9 I, Erika W. Magana, am employed in the County of Clark, State of Nevada. I am over  
10 the age of 18 and not a party to the within action; my business address is 815 S. Casino Center  
11 Boulevard, Las Vegas, Nevada 89101.

12 That on August 12, 2022, I served the foregoing documents described as Motion to  
13 Withdraw as Counsel in the above-entitled action by depositing in the United States Post Office  
14 in Las Vegas, NV and addressed as follows or through the CM/ECF system:

15  
16 Daniel Schiess  
17 Assistant United States Attorney  
[dan.schiess@usdoj.gov](mailto:dan.schiess@usdoj.gov)

18 Matthew Wade Beasley #89679-509  
19 Nevada Southern Detention Center  
20 2190 Mesquite Avenue  
Pahrump, NV 89060

21 I declare under penalty of perjury that the foregoing is true and correct.

22 /s/ Erika W. Magana  
23 An Employee of The Draskovich Law Group  
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